Division Bench (1)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.4381 /2005 (D.B.)
(PUBLIC INTEREST LITIGATION)

PETITIONERS

1. Murari Ram Jhariya, aged about 44 years, Son of Late Shri Gyani Jhariya, Agriculturist, Resident of Village Madmada, Tahsil and Police Station Bodla, District Kabeerdham (Kawardha), (C.G.). Treasurer Jila Mahra (Jhariya) Samaj, Kabeerdham, District Kabeerdham (C.G.).

2. Mukesh Jhariya, aged about 54 years, Son of Late Shri Chamru Ram Jhariya, Agriculturist, Resident of Kailash Nagar Kawardha, President Jila Mahra (Jhariya) Samaj, Kabeerdham, District Kabeerdham (C.G.).

P.R. No. 4523/05
Presented by Shri A.K. Mishra
dated 5/9/05

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VERSUS

RESPONDENTS

1. The Union of India,
Through: The Secretary, Govt. of India, Ministry of Social Justice and Empowerment, Shastri Bhawan New Delhi-110001.

2. The State of Chhattisgarh, Through: The Secretary, Department of S.C., S.T., O.B.C. & Minorities Welfare, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

THAKUR VIJAY SINGH
Central Govt. of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

(2)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

DIVISION BENCH

CORAM: **HON'BLE SHRI H.L. DATTU, CJ AND**
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition (PIL) No.4381 of 2005

PETITIONERS Murari Ram Jhariya and another.

VERSUS

RESPONDENTS: The Union of India & another.

Present:

Shri P.K.C. Tiwari, Sr. Counsel with Shri Shashibhushan, counsel for the petitioners.
Shri Bhishma Kinger, Standing Counsel for Union of India/respondent No.1.
Shri Vinay Harit, Dy. A.G. for the State/respondent No.2.

ORAL ORDER

(Passed on 19th February, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

The petitioners are before us in a petition filed under Article 226 of the Constitution of India seeking the following reliefs:

> "7.1) That, the Lordships be please to issue a writ of mandamus commanding the respondent no.1 to do the needful for amendment in the Constitution for amendment of the Constitution (Scheduled Castes Order 1950 in Part-XXIII-Chhattisgarh in Entry No.33 including the Caste Mahara Sub Caste of which 'Jhariya' Chandra; Bhargava, etc. etc.
>
> 7.2) That, Cost of the petition be allowed.

7.3) That, any other writ, order/direction as deemed proper in the facts and circumstances of the case may kindly be issued".

(2) In our considered opinion, in exercise of the powers under Article 226 of the Constitution of India, the prayers sought for in this writ petition can never be granted by us. In that view of the matter, we reject the writ petition. However, liberty is reserved to the petitioners to approach this Court with a better petition seeking better reliefs. Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice

Kamde